THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.17549 of 2006

08.9.2006

Between:

M/s.Sri Venkateswara Builders and Real Estates, represented by its Managing Partner – Smt.Puppala Ramjee

… Petitioner

AND

The District Collector, East Godavari District, Kakinada

And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.17549 of 2006

ORDER:

The petitioner is a firm, which is allegedly, owner of the land admeasuring Acs.2.00 in survey No.267 situated at Vakalapudi Gram Panchayat. The property was claimed by one Palika Appa Rao. He filed a suit being O.S.No.123 of 1986 on the file of the Court of the II Additional Subordinate Judge, Kakinada, for declaration and permanent injunction against the respondents 1 to 3 herein. The said suit was decreed on 29.8.1992. One Mungara Krishnavenamma purchased the property from Palika Appa Rao and she filed O.S.No.243 of 1987 on the file of the Court of the II Additional Subordinate Judge, Kakinada, for specific performance of agreement of sale, which was decreed. She obtained a sale deed dated 31.1.1994 from the Court in Execution Proceedings and, thereafter, she sold the property to the petitioner firm under a registered sale deed.

The petitioner firm made an application to the Director of Town & Country Planning, Hyderabad, seeking permission for construction of residential apartments on the land. Firm also made such application to the Vakalapudi Gram Panchayat, fourth respondent herein, which returned the application with an endorsement dated 22.5.2006 to the effect that there are instructions from the Mandal Revenue Officer, Kakinada Rural (MRO), the third respondent herein, not to sanction building permission. Therefore, the petitioner made application to the

MRO requesting to make necessary corrections in the revenue records. By an endorsement dated 26.5.2006, the third respondent informed the petitioner that the second respondent intends to prefer appeal against the judgment and decree dated 29.8.1992 in O.S.No.123 of 1986 obtained by Palika Appa Rao and, therefore, corrections cannot be carried out. Feeling aggrieved by the same, the present writ petition is filed *inter alia* seeking a direction to third respondent to make necessary corrections in the revenue records in respect of the land in survey No.267.

After getting instructions, learned Assistant Government Pleader for Revenue (General) submits that respondents 1 to 3 have already preferred appeal being A.S.(SR).No.6501 of 2006 on the file of the Court of the District Judge, Kakinada and, therefore, the application of the petitioner could not be processed.

The background of the case would show that the vendor of the petitioner's vendor obtained the decree for declaration of title against respondents 1 to 3. Having suffered a decree, the third respondent is not only bound as a Judgment Debtor, and as a quasi judicial authority, under Section 4 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), is bound to consider the application made by the petitioner. It would be altogether different for the MRO in not able to exercise the jurisdiction under the Act, for many reasons, but certainly not the reason communicated to the petitioner by endorsement dated 26.5.2006. Therefore, this writ petition is disposed of, directing the third respondent to pass appropriate orders on the application made by the petitioner in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

September 08, 2006.

NOTE:

Issue order copy by 15.9.2006.

(By order)

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